

FROM Misc. 139-81	DATE RECEIVED 11 Dec. 81	DATE OF MATERIAL 8 Dec. 81	CLASSIFICATION -----	ORIGINATOR AND CONTROL NO.
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SUBJECT
Memo: Sub: International exchange of government publications (Title 44, Section 1719 USC)

INFO	ACTION	COMMENT	CONCURRENCE	PREPARE REPLY	RECOMMENDATION	RETURN	FILE
ROUTING	DATE	INITIALS	REMARKS				
1. DD/FBIS	12/11	m	THIS PROGRAM IS OF CONSIDERABLE VALUE TO PROD GROUP. Valuable ^{publications} from the following countries are being received: USSR, China, IRAN, AFGHANISTAN, CUBA and VIETNAM. In fact LIBRARY OF CONGRESS RECENTLY RECEIVED A SHIPMENT OF 6000 different volumes from China to which NEAAD has access. RFB				
2. D/FBIS		See					
3. C/PROD	14 Dec	AS					
4.							
5.			2-3: I've discussed this with [] who says that state, the Library, and Smithsonian are working out a solution. A meeting of interested parties may be held at state soon. Ed [] probably				
6. DD/FBIS	12/11	m					
7.			Also, I would think [] should attend - JP				
8. EX. REGISTRY		File					
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EAS 81-2468
8 December 1981

MEMORANDUM FOR: Director, Foreign Broadcast Information Service
Chief, Support Services Group/Office of Central Reference/
National Foreign Assessment Center

FROM: Chief, House Liaison

SUBJECT: International Exchange of Government Publications
(Title 44, Section 1719 USC)

1. You will recall our efforts in the 96th Congress re Subject when Representative Silvio Conte (R., MA) attempted to prohibit the use of funds for the distribution of Government publications under 44 USC Section 1719's International Exchange Program. I was recently informed by the Library of Congress that as of 20 October--because of a funding dispute between the G.P.O. and the Smithsonian--the program is no longer being funded (see attached 30 November 1981 Sawyer letter to Hughes).

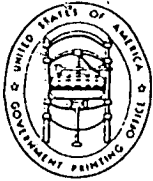
2. Because of the concern that the program is beneficial not only to the Library of Congress but to the Government as a whole, Library of Congress representatives have been in contact with Senator Charles Mathias (R., MD) advocating that he intercede in an effort to have State Department pick up the International Exchange Program (see attached 3 December letter from Boorstin, Library of Congress, to Senator Mathias). Library of Congress informs that Mathias intends to introduce an amendment on the Senate floor to the State, Justice, Commerce Appropriations Bill (not scheduled for floor action this week). The operative effect of his amendment would be to transfer the program to the State Department. Given our (in particular NFAC's) keen interest in the program (reference 26 September 1980 letter from former DCI Turner to Rep. Conte, attached) the Library of Congress is asking that we make whatever contact we might have in the State Department (INR) in support of the Mathias effort.

3. I would appreciate your assistance in this matter and would ask that you telephone me as soon as possible to discuss whatever you think might be done to support this program.

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Attachments
As stated



United States
Government
Printing Office

Washington, D.C. 20401

OFFICE OF THE PUBLIC PRINTER

November 30, 1981

Mr. Phillip S. Hughes
Under Secretary
Smithsonian Institution
Washington, D.C. 20560

Dear Mr. Hughes:

Your letter of October 15, 1981, pertaining to the monies owed the Government Printing Office for reimbursable mailing services performed by us for the Smithsonian contains some statements indicating a misunderstanding of the matters involved. The letter states that there was a limitation of \$260,000 in fiscal year 1981, for the reimbursements to GPO, and since the first three quarterly billings amounted to \$182,215, you have requested a revised fourth quarter billing adjusted downward from actual costs of \$183,504 to \$77,785.

On July 31, 1980, two months before the beginning of fiscal year 1981, representatives of the Smithsonian, the Library of Congress (which administers the program), and the GPO, met to discuss your funding problems for fiscal year 1981. In that meeting, your representatives agreed to seek supplemental funding for the program. They also agreed to notify GPO if funding was not available. No further comment was heard from you, although you were aware the total billing for the year could be expected to equal or exceed \$300,000.

The GPO accepted the Smithsonian's fiscal year 1981 requisition for reimbursable mailings with the full knowledge and understanding of both the Government Printing Office and Smithsonian employees that there was a funding problem, but that we would perform the necessary distributions and be fully reimbursed for them. Smithsonian officials were also advised that if reimbursement was not assured, GPO would have to stop the mailings. This was an undesirable alternative to your representatives, and the Library of Congress representatives would not agree to curtailing printing for the program, stating that unshipped publications would have to be stored by the Smithsonian, for shipment at a later date.

The Government Printing Office performed mailing services for the Smithsonian Institution during fiscal year 1981, under their request dated October 6, 1980. That request included a statement concerning a "not to exceed" limit of \$65,000 per quarter, but acknowledged that billings would be for the actual costs incurred. The request stated that, "GPO will request reimbursement for the actual services provided and the actual amount of postage paid, showing these two items separately on the billing." The billing for the third quarter of fiscal year 1981 exceeded the "\$65,000 limit" by nearly \$19,000, and that bill was paid in

full without question. The agreement between the GPO and the Smithsonian calls for the reimbursement to GPO for the actual cost of the postage. The quarterly billings submitted to the Smithsonian for fiscal year 1981 are exactly what the agreement calls for, namely, actual costs with postage specifically identified. In addition, the bulk of your bill for the fourth quarter (\$144,736.56) is for postage expenses. The U.S. Postal Service increased their rates for international mailings during the fiscal year, and since you are responsible for this program by law, I expect you were aware of these increases. This expense is rightly borne by the Smithsonian and is not a cost which can or will be absorbed by the Government Printing Office.

In our dealings with our customer agencies, we cannot control each agency's procedures used for the obligation and expenditure of appropriated funds. It is an accepted practice to estimate obligations when the actual amount cannot be readily determined. However, as requirements and circumstances change, and the actual costs become known, the initial estimate should be revised accordingly. The responsibility for changing the estimate or taking appropriate action to adjust activities within budgetary restraints must rest with the agency charged with the appropriated funds. The Smithsonian was fully aware of the costs involved and should have sought additional funding from the Congress, reprogrammed existing appropriations, or instructed GPO to stop the distribution. ✓

We have enjoyed a good working relationship with the Smithsonian and I would like to maintain this relationship. We had continued the mailing services for the Smithsonian for fiscal year 1982 but after receiving your letter I have halted these mailings effective October 20, 1981. GPO has been receiving approximately 4,000 books per day for the past month. As of November 25, 1981, the amount of International Exchange publications being stored is equivalent to five tractor-trailers full of books. The storage charges for the publications which we now have amount to \$800 per month, and this amount is increasing daily. ✓

Members of my staff met with you and representatives of the Library of Congress on November 17, 1981, to discuss the funding problem associated with the International Exchange program. At that meeting, it was decided to discuss this matter further on November 25, 1981, and to involve the staff from the respective appropriation subcommittees and the Joint Committee on Printing. The meeting was held, but nobody from the Smithsonian bothered to attend and the current funding problem was not resolved. Therefore, you leave me no alternative but to initiate the following actions:

- 1) I have instructed the Superintendent of Documents to resubmit to you the fourth quarter FY 1981 billing of \$183,504, which represents the actual costs for our services.

- 2) I have instructed the Superintendent of Documents to render to you the first quarter FY 1982 billing for our actual costs for distribution up to October 20, 1981, the date we stopped the

distribution, plus the accumulated storage charges to date for those publications we have been warehousing since October 20, 1981. This billing will approximate \$35,000.


3) If payment on these billings is not received by December 24, 1981, I have instructed the Superintendent of Documents to effect delivery of the publications to the Smithsonian or to start destroying the publications in storage since GPO is in no position to carry the costs of a program that the Smithsonian has been charged by law to carry out.

4) Also on December 24, 1981, if payment is not received, I will direct that the printing of the International Exchange publications be discontinued as it is a waste of taxpayers' money to print publications that the Smithsonian cannot distribute.

5) In addition, I have directed the Superintendent of Documents in any future dealings with the Smithsonian on this program to bill you in advance for the estimated cost of your mailings. These billings will subsequently be adjusted on the basis of actual expenses incurred.

It is my sincere hope that any possible misunderstanding between the GPO and the Smithsonian is hereby resolved and I invite you to contact me if you have any additional questions.

Sincerely,


DANFORD L. SAWYER, JR.
Public Printer

THE LIBRARIAN OF CONGRESS

WASHINGTON, D. C. 20540



DEC 3 1981

Dear Senator Mathias:

For nearly one hundred years, the Library of Congress has received the official government publications of other nations around the world through an international exchange agreement whereby we exchange our government publications for theirs. Since October 20, 1981, the United States Government has not shipped any of our publications to exchange partners because of a funding dispute between the Smithsonian Institution and the Government Printing Office. A prompt resolution of the issues set out in this letter is essential to avoid potentially crippling loss of critically needed research material from around the world for the collections of the Library of Congress.

During the last several years, the Library of Congress, in cooperation with the Smithsonian Institution and the Government Printing Office, has sought legislation to transfer the responsibility assigned by law to the Smithsonian Institution to ship government publications under international exchange agreements to either the Government Printing Office or the Library of Congress, but the legislation failed to be enacted. The program for the international exchange of Government publications is authorized under Title 44, Section 1719 of the United States Code, which was enacted to carry into effect the two Brussels Conventions of March 15, 1886 (ratified by the United States and proclaimed by the President on January 15, 1889).

The first Brussels Convention (the General Convention) is for "international exchange of official documents, scientific and literary publications" and includes "the official documents, parliamentary and administrative, which are published in the country of their origin" and "the works executed by order and at the expense of the Government."

The second Brussels Convention provides "for the immediate exchange of official journals, parliamentary annals and documents." Under 44 USC 1719 "there shall be supplied to the Library of Congress not to exceed one hundred and twenty-five copies each of all Government publications, for distribution through the Smithsonian Institution, to foreign governments which agree to send similar publications of their governments to the Library of Congress."

In actuality, since 1977 the Government Printing Office, with funds transferred from the Smithsonian Institution, has assumed the responsibility for shipping this material. The sum of \$130,000 has been appropriated to the Smithsonian Institution for this purpose. Because the actual costs are more than double their appropriation, the Smithsonian Institution has heretofore made up the difference by reprogramming from other operating funds. Recently,

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the Smithsonian Institution has notified the Government Printing Office that they will no longer accept responsibility for this program in excess of \$130,000 annually. Because of the funding limitation of the Continuing Resolution, further limitations were set. On October 20, the Government Printing Office quit sending publications to international participants, thus putting the United States in the difficult position of defaulting on our treaty obligations and executive agreements entered into by the State Department. A recent letter from the Public Printer to Phillip S. Hughes, Undersecretary of the Smithsonian Institution (enclosed) makes it clear that the two agencies have reached an impasse. The Public Printer has notified the Smithsonian Institution that should payment not be received, the publications currently being held in storage for international exchange will be destroyed on December 24. Also, on December 24, he will direct that no further publications be printed for the international exchange program.

We see no immediate solution to this problem unless the Smithsonian Institution is directed to fund the program adequately until appropriate legislation can be enacted, but we have no assurance that this will be forthcoming.

Because the major direct cost to the Smithsonian Institution is postage, one of the most pressing needs is to survey all of the participants in the exchange program to determine what categories of material they wish to receive and whenever possible to provide microfiche. Because the Government Printing Office did not feel it had authority to make such a survey, 45 participants now receive full sets of government publications available to depository libraries. We believe such a survey could result in significant savings. The Library of Congress would be willing to accept the responsibility for the survey as a first step toward cutting costs. We would be happy to receive your direction in this matter.

We anticipate that should there not be a resolution of the problem, that parties to the agreements would reciprocate by not sending their publications. I cannot emphasize enough the importance of this exchange program to the collections of the Library of Congress and to the United States. Many of the publications we receive through the exchange programs are not available through normal purchasing channels. The information contained in many of these publications is vital to United States interests. It would be tragic should this program be suspended because of a lack of decision with respect to funding.

Sincerely yours,

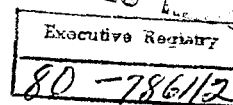
Daniel J. Boorstin
The Librarian of Congress

Enclosure

The Honorable
Charles McC. Mathias, Jr.
Chairman
Joint Committee on Printing
Washington, D. C. 20510

The Director of Central Intelligence

Washington, D.C. 20505



OLC 80-1669/B

26 SEP 1980

Honorable Silvio O. Conte
House of Representatives
Washington, D.C. 20515

Dear Mr. Conte:

This letter addresses the issue of United States Government publications, including unclassified Central Intelligence Agency publications, being made available to foreign governments under an international exchange program, authority for which is contained in title 44 of the U.S.C., sections 1718 - 1719.

As the Director of the Central Intelligence I share your concern about the transfer of any information to any country which may prove detrimental to the national security interests of the United States. Indeed, I have spent a great deal of time and effort stressing, in public forums and before Congressional Committees, the importance of limiting the proliferation of sensitive intelligence information.

However, in my opinion, a select, methodical review of material the United States releases would be much more sensible, in terms of the foreign intelligence mission of the United States, than a blanket proscription, of the type you introduced on the House floor as an amendment to the FY 81 Legislative Branch Appropriations Act, against any exchange at all with the Soviet Union, Cuba, or Iran.

The procedures which the Central Intelligence Agency has instituted to insure that materials earmarked for the exchange are done so in a manner totally in conformance with the applicable law and sound security practices are quite stringent. No CIA publication is made available to the exchange without having first been: personally reviewed by the Deputy Director of the National Foreign Assessment Center; coordinated with the Department of State and the

National Security Council to the extent that policy matters are involved; and subsequently, but still prior to release, personally reviewed by me. Moreover, I can assure you that the exchange has contributed significantly to our being able to provide our government's policymakers with the kind of information they need to better understand the issues they are faced with on a daily basis. Accordingly, I would urge you to seriously consider the effect of the retention of your amendment in either the continuing resolution currently being discussed by the Congress or in the subsequent permanent legislation to be taken up just prior to the expiration of the continuing resolution.

I salute your efforts to insure that sensitive intelligence information is not subject to unwarranted proliferation.

Yours sincerely,

/s/ Stansfield Turner

STANSFIELD TURNER

cc: Honorable Adam Benjamin, Chairman
House Appropriations Subcommittee on
Legislative Branch

Honorable Jim Sasser
Senate Appropriations Committee

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NATIONAL FOREIGN ASSESSMENT CENTER

WASHINGTON, D. C. 20505

25 September 1980

NOTE FOR: The Director

I forward a letter from you to Congressman Conte concerning his amendment which, if enacted, would prevent distribution of U.S. Government publications to the Soviet Union, Cuba, or Iran. I strongly urge that you sign this letter.

Agency representatives met with Mr. Conte on 15 September and presented our case against the wisdom of his proposed amendment. Conte appeared to be receptive, although he has some staffers who are hardliners on the matter. OLC believes that a letter from you would go a long way towards resolving this matter in the way that we would like to see it.

I would appreciate your signing this letter so that we could get it up to Mr. Conte, as well as Congressman Sasser and Congressman Benjamin.

STAT

Bruce C. Clarke, Jr.
Director